

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ROOT, INC. <i>et al.</i>,</b>	)	
	)	
<i>Plaintiffs,</i>	)	Judge Sarah D. Morrison
	)	
v.	)	Magistrate Judge Elizabeth Preston Deavers
	)	
Brinson Caleb “BC” <b>SILVER, <i>et al.</i></b>	)	Case No. 2:23-cv-00512
	)	
<i>Defendants.</i>	)	

**MOTION OF RECEIVER, JERRY E. PEER, JR. TO SELL  
2018 MERCEDES BENZ GLE 350 AT PRIVATE SALE FREE AND CLEAR  
OF ANY AND ALL INTERESTS, LIENS, CLAIMS AND ENCUMBRANCES**

Now comes the Court appointed receiver herein, Jerry E. Peer, Jr., (“Receiver”) and hereby states that pursuant to this Court’s *Order*, filed May 12, 2023 [Doc. # 99], *Order Appointing Receiver*, filed May 17, 2023 [Doc. # 101], and *Order Amending Order Appointing Receiver*, filed June 7, 2023 [Doc. # 120] (hereinafter collectively “Receiver Order”), he has taken control of a certain 2018 Mercedes Benz GLE 350 (“Mercedes”) owned by Defendant, Brinson Caleb Silver (“Defendant”). Receiver believes it is in the best interests of this receivership estate to sell the Mercedes at private sale. By this Motion, Receiver moves the Court for authority to sell the Mercedes pursuant to the terms and conditions outlined herein free and clear of any and all interests, liens, claims and encumbrances.

A Memorandum in Support of this Motion is attached hereto.

Respectfully submitted,  
PETERSON CONNERS LLP

/s/ Istvan Gajary  
GREGORY S. PETERSON (0061915)  
JERRY E. PEER, JR. (0075128)  
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*Counsel for Receiver, Jerry E. Peer, Jr.*

## **MEMORANDUM IN SUPPORT**

### **I. INTRODUCTION**

Pursuant to this Court's *Order*, filed May 12, 2023 [Doc. # 99], *Order Appointing Receiver*, filed May 17, 2023 [Doc. # 101], and *Order Amending Order Appointing Receiver*, filed June 7, 2023 [Doc. # 120] (hereinafter collectively "Receiver Order"), Jerry E. Peer, Jr. ("Receiver"), was appointed as Receiver of all monetary and real property assets ("Assets") of Mr. Brinson Caleb Silver, Collateral Damage, LLC and Eclipse Home Design, LLC (hereinafter collectively "Defendants"). Further, and pursuant to the Receiver Order, Receiver has been engaged for the purpose of protecting and liquidating the Assets.

Subsequent to his appointment, Receiver and his counsel visited Defendants' owned and leased real estate located in California. While in California, on July 17 and 18, 2023, Receiver assessed the condition of a certain 2018 Mercedes Benz GLE 350 ("Mercedes") owned by Defendant, Brinson Caleb Silver ("Defendant"). As previously reported to this Court, Receiver

permitted Ms. Laurie Mannette to continue driving the Mercedes until she was able to make arrangements for alternative transportation for her and her children. In October, Receiver took possession of the Mercedes and moved it to a secure location pending its sale. Receiver has researched the value of the Mercedes and engaged in negotiations with prospective buyers. In light of its present condition and based upon its year, make, model, and miles, Receiver has determined the Mercedes to be worth approximately \$16,000 - \$18,000. See “**Exhibit A**” attached hereto.

Receiver had received an offer from Encinitas Ford (“Buyer”) to purchase the Mercedes for \$14,200 (the “Offer”). A copy of the Offer is attached hereto as “**Exhibit B.**” While this Offer is less than the estimated value, Receiver believes that this sale will net the highest return for the estate as it will avoid any fees and other expenses associated with selling the vehicle at public auction. Receiver has not received any other private offer for the Mercedes.

The Receiver requests that any order approving the sale of the Mercedes include findings of the Court that the sale of the Mercedes is commercially reasonable, has been negotiated in good faith and that the Offer of Buyer is in the best interests of the receivership estate under the circumstances.

## **II. LAW AND ARGUMENT**

Pursuant to the Receiver Order,

The Receiver is authorized to negotiate and effect an orderly sale, transfer, use, or assignment of all or a portion of any of the Property in or outside of the ordinary course of business of the Receivership Defendants and, from the proceeds thereof, to pay the secured and unsecured indebtedness of the Property, including the Real Property. Payments to creditors by the Receiver shall include trade indebtedness which arises during the course of the Receiver’s operation of the Property, which shall be paid first from the sale proceeds, together with the fees and expenses of the Receiver and his attorneys, accountants, and other professionals. The Receiver is authorized to conduct such a sale of the Property in any manner which he, in his good faith and reasonable discretion.

See Receiver Order, para. 2(k).

Additionally, “a judge who finds it necessary to appoint a Receiver should see that the entity, and therefore assets, are liquidated as economically and speedily as possibly unless its continuance is demonstrated to be beneficial to the creditors. *Jones v. Proctorville* (1961 C.A. 6, Ohio) 290 F. 2d 49.

The Receiver, in his business judgment, has determined that a sale of the Mercedes pursuant to the terms set forth above is commercially reasonable and in the best interest of the receivership estate. Further, Receiver represents that the private sale of the Mercedes, pursuant to the terms of above, will likely result in a higher return for the receivership estate as it will avoid all costs associated with removal, storage, repair, advertising, and/or commissions. It is the Receiver’s request that the Mercedes be sold at private sale free and clear of all liens, claims, interests, and encumbrances with said liens, claims, interests, and encumbrances attaching to the net proceeds of sale, which shall be disbursed to creditors in order of their respective priorities or applied against administrative expenses of this estate.

In light of the fact that it is the duty of the Receiver to act for the benefit of the estate, Receiver requests that the Mercedes be sold pursuant to the terms above. No higher offer has been extended and this sale is expected to bring a higher net return to the receivership estate than a public sale or future private sale. Thus, this private sale is the most efficient and economical means to dispose of the Mercedes.

### **III. CONCLUSION**

WHEREFORE, the Receiver respectfully requests that the Court enter an order authorizing the Receiver to sell the Mercedes pursuant to the terms stated above, free and clear

of any and all liens, claims, encumbrances, and other interests with said liens, claims, encumbrances, and other interests attaching to the net proceeds of sale.

Respectfully submitted,  
PETERSON CONNERS LLP

/s/ Istvan Gajary  
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*Counsel for Receiver, Jerry E. Peer, Jr.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 5th day of December, 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A copy was also sent by regular U.S.P.S. mail to the following:

BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

COLLATERAL DAMAGE, LLC  
c/o BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

ECLIPSE HOME DESIGN, LLC  
c/o BRINSON CALEB SILVER  
BUTLER COUNTY JAIL  
Inmate No. 303850  
705 Hanover Street  
Hamilton, Ohio 45011

Paige McDaniel  
5576 Alexanders Lake Rd.  
Stockbridge, Georgia 30281

/s/ Istvan Gajary  
GREGORY S. PETERSON (0061915)  
JERRY E. PEER, JR. (0075128)  
ISTVAN GAJARY (0089084)

Home > What's My Car Worth? > Category & Style > Options > Offer Options > Condition > GLE 350 Sport Utility 4D

My Car's Value

**2018 Mercedes-Benz GLE** GLE 350 Sport Utility 4D

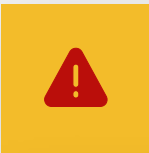
4.5 ★ (31 Ratings) [Write a review](#)



VIN: **4JGDA5JBXJB099956**

[Save this car](#)

Skip the hassle! Go directly to your values next time.



Recalls: **6 Recalls Found**  
[Is my car affected?](#)



Repair Estimator: **See Pricing**  
[What's a fair price?](#)



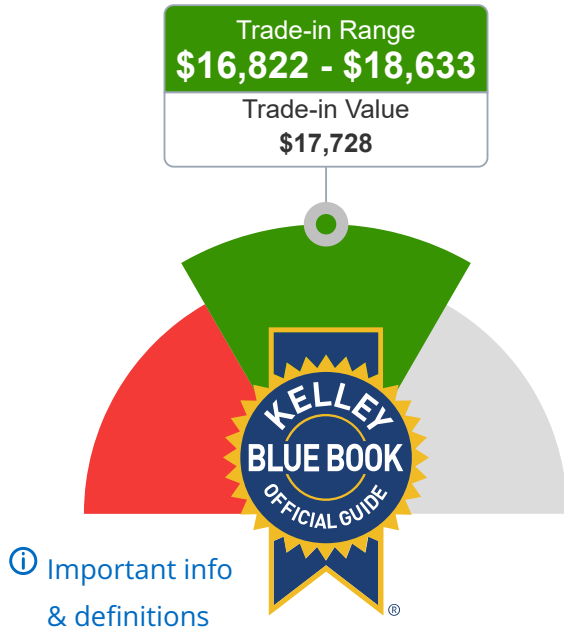
**Options**   Next Steps

**1 Your Options**

Instant Cash Offer   **Trade-in**   Private Party   Donate Your Car

[Save this car](#)

**Exhibit A**



Value valid as of **10/24/2023**

### Factors That Impact Value

Check that yours are correct below.

Mileage: **63,076** ZIP Code: **92024**

Condition  
Good

Edit Options



## Instant Cash Offer

### Instant Cash Offer Advantages

- Get your Instant Cash Offer online
- Redeem it at a Participating Dealer
- Get cash for your car or trade it in today

**Get Offer**



# Start the Trade-in Process Online

Plus, get a no-obligation quote for your next car.

**You're Interested In:**

2023 Mercedes-Benz GLE

[Change Vehicle](#)

**Your Trade-in:**

2018 Mercedes-Benz GLE

[Change Vehicle](#)

**Choose up to 3 dealers** [Change ZIP Code](#)

Compare prices from three local dealers.

☒ **Mercedes-Benz of Carlsbad**

5475 Car Country Dr

Carlsbad, CA 92008

6 miles away

## 3 Shop for Your Next Car - What Can I Afford?

Estimated Trade-in Amount

\$17,728

Desired Monthly Payment \*

\$400

\*This field is required.

Terms (months)

60

▼

Interest Rate (%)

3.19

Outstanding Loan Balance

\$0

Additional Down Payment

\$0

Calculate

Price Range      Up to  
**\$39,884**

Available for Down Payment

Total Down Payment

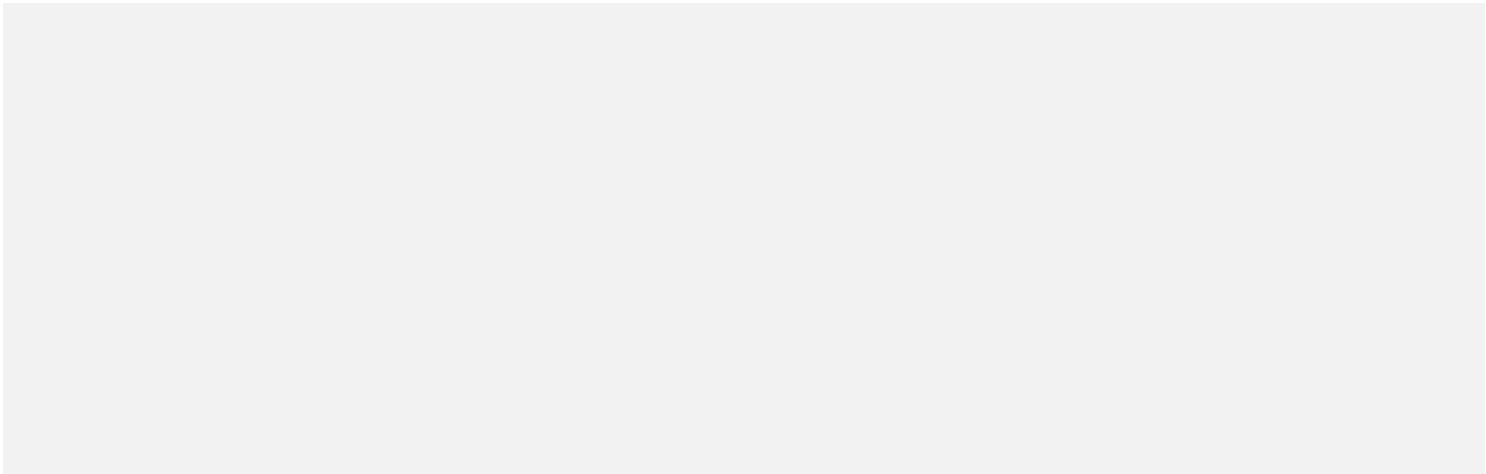
Vehicles in Your Price Range

2021 Audi Q7	2021 Land Rover Range Rover Velar
Est. \$392/mo*	Est. \$386/mo*


2022 INFINITI QX60	2022 Acura MDX
Est. \$385/mo*	Est. \$376/mo*



\*Based on the Blue Book® Fair Purchase Price (click vehicle to see) for 60 months, 3.19% APR, and Estimated Trade-in Amount. Taxes and Fees not included. For illustrative purposes only and not an offer/commitment to provide credit or financing.



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GLE 350

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 **Mercedes-Benz of Escondido**

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1424 Encinitas Blvd., Encinitas, CA 92024 • (760) 753-6286 • Fax (760) 944-5487

To whom it may concern, This is an offer to purchase the following vehicles. 2019 Land Rover and 2018 Mercedes Benz. Offer good till 11/03/2023.

2018 Mercedes Benz  
GLE 350  
Vin # 4JGDA5JBXJB099956  
63,076 miles  
DMV registration expired 6/08/2023  
\$703 owed (See Attached)

Purchase Price \$14,200  
-703 (DMV)

Equity                \$13,497

2019 Land Rover Sport  
Vin # SALWR2RV2KA834898  
44,820 miles  
DMV registration expired 02/02/2023  
\$996 owed (See Attached)

Purchase price \$32,000  
-996 (DMV)

Payoff                \$44,944.09 (Estimated Ally Financial Good Till 10/27/2023)

Negative equity -13,940.09

Dave Bechtel  
Sales Manager  
760-613-6848 (Cell)

**Exhibit B**